

1 Patrick J. Reilly, Esq.
2 Nevada Bar No. 6103
3 Sydney R. Gambee, Esq.
4 Nevada Bar No. 14201
5 HOLLAND & HART LLP
6 9555 Hillwood Drive, 2nd Floor
7 Las Vegas, Nevada 89134
8 Tel: (702) 669-4600
9 Fax: (702) 669-4650
10 preilly@hollandhart.com
11 srgambee@hollandhart.com

12 Jeffrey T. Kucera (*pro hac vice* application forthcoming)
13 K&L GATES LLP
14 200 South Biscayne Boulevard
15 Miami, Florida 33131
16 Tel: (305) 539-3322
17 jeffrey.kucera@klgates.com

18 Stavroula E. Lambrakopoulos (*pro hac vice* application forthcoming)
19 Theodore L. Kornobis (*pro hac vice* application forthcoming)
20 K&L GATES LLP
21 1601 K Street, NW
22 Washington, D.C. 20006
23 Tel: (202) 778-9000
24 stavroula.lambrakopoulos@klgates.com
25 ted.kornobis@klgates.com

26 Attorneys for Ray Gonzalez

27 **UNITED STATES DISTRICT COURT**
28 **DISTRICT OF NEVADA**

29 N5HYG, LLC and NEVADA 5, INC.,
30 Plaintiffs,
31 v.
32 HYGEA HOLDINGS CORP.; MANUEL
33 IGLESIAS; EDWARD MOFFLY; DANIEL T.
34 MCGOWAN; FRANK KELLY; MARTHA
35 MAIRENA CASTILLO; LACY LOAR;
36 RICHARD WILLIAMS, ESQ.; GLENN
37 MARICHI, M.D.; KEITH COLLINS, M.D.;
38 JACK MANN, M.D.; the ESTATE OF
39 HOWARD SUSSMAN, M.D.; JOSEPH
40 CAMPANELLA; CARL ROSENCRANTZ; and
41 RAY GONZALEZ; DOES 1-X; and ROES 1-X,

42 Case Number:

43 **NOTICE OF REMOVAL**

44 Defendants.

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446
2 Defendant Ray Gonzalez (“Mr. Gonzalez”), by and through the undersigned counsel, and
3 without waiving any affirmative defenses (including personal jurisdiction), hereby removes to
4 this Court the above captioned matter. In support of removal, Mr. Gonzalez states as follows:

5 **The State Court Action**

6 1. On October 5, 2017, Plaintiffs N5HYG, LLC (“N5HYG”) and Nevada 5, Inc.
7 (“Nevada 5”) filed a civil action captioned *N5HYG, LLC, et al. vs. Hygea Holdings Corp., et*
8 *al.*, Case No. A-17-762664-B in the State of Nevada Eighth Judicial District Court (“State
9 Court”).

10 2. The Complaint alleges 21 causes of action and seeks entry of a judgment,
11 monetary damages, and equitable relief. Pursuant to 28 U.S.C. § 1446(a), a copy of the
12 Complaint served on Mr. Gonzalez is attached hereto as **Exhibit A** and a copy of the Summons
13 or other papers served on Mr. Gonzalez are attached hereto as **Exhibit B**. The Plaintiffs seek
14 damages of an amount in excess of \$15,000, rescission in an amount of \$30 million plus
15 interest, and other damages and equitable relief.

16 3. Mr. Gonzalez was served with the Summons and Complaint on October 25,
17 2017.

18 **Subject Matter Jurisdiction**

19 4. Pursuant to 28 U.S.C. § 1441(a), a defendant may remove to federal court any
20 civil action brought in a state court of which the District Courts of the United States have
21 original jurisdiction. Removal is proper in this matter because this Court has original
22 jurisdiction over this action pursuant to 28 U.S.C. § 1331. In particular, and as set forth below,
23 this is an action that includes claims that arise under the laws of the United States, and other
24 claims that are subject to this Court’s supplemental jurisdiction under 28 U.S.C. § 1337.

25 5. Plaintiffs allege claims under the federal securities laws, namely the Securities
26 Act of 1933, and regulations promulgated thereunder. These include Cause of Action 2
27 (violations of Securities Act of 1933, 15 U.S.C. § 77q), Cause of Action 4 (violations of
28 Securities Act of 1933 and Regulation D promulgated thereunder, 17 C.F.R. § 230.500 et seq.),

1 and Cause of Action 6 (control person liability under 15 U.S.C. § 77o for violations of
2 Securities Act of 1933). This Court therefore has original jurisdiction over this action pursuant
3 to 28 U.S.C. § 1331.

4 6. Plaintiffs also allege claims under state statutory and common law that arise
5 from the same set of alleged facts and are so related to the claims under the federal securities
6 laws (Causes of Action 2, 4, and 6 described above) such that they form part of the same case
7 or controversy under Article III of the United States Constitution. This Court therefore has
8 supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1337.

9 7. As a result, pursuant to 28 U.S.C. § 1441, Mr. Gonzalez has the right to remove
10 this action to the United States District Court for the District of Nevada.

Procedural Compliance

8. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days after the receipt by Mr. Gonzalez, through service or otherwise, of a copy of the initial pleadings setting forth the claim for relief on which this removal is based.

9. All other defendants that have been served with a Summons and Complaint consent to removal. *See* consents attached hereto as **Exhibit C**. It is Mr. Gonzalez's understanding that the Estate of Howard Sussman, M.D. has not been served yet.

19 10. A true and correct copy of this Notice of Removal will be filed with the clerk of
20 the District Court for Clark County, Nevada, as required by law, and served upon counsel for
21 Plaintiffs.

22 | / / /

23 | / / /

24 | / / /

25 | / / /

26 | / / /

27 | / / /

1 WHEREFORE, this case is removed from the District Court for Clark County, Nevada
2 to this Court. Mr. Gonzalez requests that this action be placed upon the docket of this Court for
3 further proceedings, as though this case had originally been instituted in this Court.

4 DATED this 15th day of November 2017.

5 /s/ Patrick J. Reilly

6 Patrick J. Reilly, Esq.
7 Sydney Gambee, Esq.
HOLLAND & HART LLP
8 9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

9 Jeffrey T. Kucera
10 (*pro hac vice* application forthcoming)
K&L GATES LLP
11 200 South Biscayne Boulevard
Miami, FL 33131

12 Stavroula E. Lambrakopoulos
13 (*pro hac vice* application forthcoming)
Theodore L. Kornobis
14 (*pro hac vice* application forthcoming)
K&L GATES LLP
15 1601 K Street, N.W.
Washington, D.C. 20006-1600

16 *Attorneys for Ray Gonzalez*

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 15th day of November, 2017, I served a true and correct
3 copy of the foregoing **NOTICE OF REMOVAL** by depositing same in the United States mail,
4 first class postage fully prepaid to the persons and addresses listed below:

5 G. Mark Albright, Esq.
6 D. Chris Albright, Esq.
ALBRIGHT, STODDARD, WARNICK &
ALBRIGHT
7 801 South Rancho Drive, Ste D-4
Las Vegas, Nevada 89106

E. Powell Miller, Esq.
Christopher D. Kaye, Esq.
The Miller Law Firm, P.C.
950 West University Drive, Ste 300
Rochester, MI 48307

10 _____
11 /s/ Susann Thompson
An Employee of HOLLAND & HART LLP

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134